

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

TERRY, Alvin Mark

Serial No.: 10/714,529

Filed: November 14, 2003

Confirmation No.: 2211

Atty. File No.: 41942-05553

For: "CEPSTRAL DOMAIN PULSE
OXIMETRY"



) Group Art Unit: 3768

) Examiner: WINAKUR, Eric Frank

) AMENDMENT AND RESPONSE TO
) FINAL ACTION

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON: <u>6-21-06</u></p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY: <u>[Signature]</u> Lori Lane</p>

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Applicant submits this Amendment and Response to address the Final Office Action having a mailing date of April 24, 2006. Submitted herewith is a Terminal Disclaimer. Based on the amendments and remarks presented below, reconsideration and allowance are requested. Although Applicant believes no extension of time is required, please consider this a petition for an extension of time under 37 C.F.R. §1.136 necessary to maintain the pendency of the present application and charge the extension fee, if any, to Deposit Account No. 50-1419. Additionally, although Applicant believes no additional claim fees are due in connection with amendments made herein, please charge additional claim fees due, if any, to Deposit Account No. 50-1419.

Please amend the application as indicated herein. Amendments to the Claims are indicated in the listing of claims that begins on page 2 of this paper. Applicant's remarks follow the listing of claims.